# EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

**DOCKET NO.:** 2007-1433-AIR-E **TCEQ ID:** RN104491055 **CASE NO.:** 34560

**RESPONDENT NAME:** Builders Marble Company

ORDER TYPE:		
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	EMERGENCY ORDER	
CASE TYPE:		
<u>X</u> AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
SITE WHERE VIOLATION(S) OCCURR  TYPE OF OPERATION: Synthetic marble	ED: Builders Marble Company, 1995 US Highway	380 East, Farmersville, Collin County
SMALL BUSINESS: X Yes	_No	
OTHER SIGNIFICANT MATTERS: The facility location.	re are no complaints. There is no record of additional	al pending enforcement actions regarding this
INTERESTED PARTIES: No one other the	an the ED and the Respondent has expressed an inter-	rest in this matter.
COMMENTS RECEIVED: The Texas Reg	ister comment period expired on March 24, 2008. N	No comments were received.
Mr. Bryan Sinclair, Enforcement D <b>Respondent:</b> Mr. Kirk Kauffman, 75442 Mr. T. Craig Berry, President, Buil	: Mr. Jorge Ibarra, P.E., Enforcement Division, Enfo	ie Murphie Parkway, Farmersville, Texas

identification numbers as submitted to the

Industrial Emissions Assessment Section

of the TCEO and the emission point numbers as listed in the MAERT on

August 15, 2007.

# **RESPONDENT NAME:** Builders Marble Company

**DOCKET NO.:** 2007-1433-AIR-E

#### **VIOLATION SUMMARY CHART: VIOLATION INFORMATION** PENALTY CONSIDERATIONS CORRECTIVE ACTIONS The value of the state of the s TAKEN/REQUIRED Type of Investigation: Total Assessed: \$12,065 **Corrective Actions Taken:** Complaint X Routine The Executive Director recognizes that the Total Deferred: \$2,413 \_\_\_ Enforcement Follow-up Respondent has implemented the X Expedited Settlement following corrective measures at the Plant: Records Review Financial Inability to Pay a. Began maintaining a record of monthly Date(s) of Complaints Relating to this emissions in pounds per hour on a daily Case: None **SEP Conditional Offset: \$0** average basis and tons emitted for the previous 12 consecutive months on June 1, Date of Investigation Relating to this Total Paid (Due) to General Revenue: \$462 2007; Case: May 10, 2007 (remaining \$9,190 due in 19 monthly payments of \$465 each and one final payment of \$355) b. Submitted the required annual Date of NOV/NOE Relating to this Case: August 30, 2007 (NOE) Site Compliance History Classification compliance certification for the period of March 10, 2006 through March 9, 2007 on High X Average Poor June 13, 2007; Background Facts: This was a routine investigation. Person Compliance History Classification c. Submitted an initial notification of \_\_ High \_\_X Average \_\_ Poor applicability to 40 CFR 63, Subpart AIR Major Source: X Yes No WWWW on June 21, 2007; 1) Failed to timely submit the required d. Submitted semiannual reports for the annual compliance certification for the Applicable Penalty Policy: September 2002 periods of December 20, 2004 through period of March 10, 2006 through March December 31, 2004, January 1, 2005 9, 2007 [30 Tex. ADMIN. CODE § 122.146(1) and (2) and TEX. HEALTH & through June 30, 2005, and July 1, 2005 through December 31, 2005 on July 24, SAFETY CODE § 382.085(b)]. 2007; and 2) Failed to submit an initial notification of e. Physically identified and marked on a applicability to 40 CODE OF FEDERAL REGULATIONS ("CFR") 63, Subpart conspicuous location with the facility

- months [30 Tex. ADMIN. CODE § 116.115(c), Permit No. 74386, Special

4) Failed to properly maintain a

WWWW by January 4, 2005 [30 Tex. ADMIN. CODE §§ 101.20(2), 116.115(c),

Condition No. 5, and TEX. HEALTH &

SAFETY CODE § 382.085(b)].

and 122.143(4), Permit No. 74386, Special

3) Failed to submit semiannual reports for the periods of December 20, 2004 through December 31, 2004, January 1, 2005 through June 30, 2005, and July 1, 2005 through December 31, 2005 [30 Tex. ADMIN. CODE §§ 101.20(2), 116.115(c), and 122.143(4), Permit No. 74386, Special Condition No. 5, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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# **RESPONDENT NAME:** Builders Marble Company **DOCKET NO.:** 2007-1433-AIR-E

Condition No. 10(c), and Tex. Health & Safety Code § 382.085(b)].		
5) Failed to physically identify and mark all equipment that has the potential to emit		·
air contaminants on a conspicuous location		
with the facility identification numbers as		· ·
submitted to the Industrial Emissions		
Assessment Section of the TCEQ and the		•
emission point numbers as listed in the	. •	
maximum allowable emission rates table ("MAERT") [30 Tex. Admin. Code		
§ 116.115(c), Permit No. 74386, Special		
Condition No. 4, and Tex. Health &	·	
Safety Code § 382.085(b)].		
		111/1 1TD 1 ( ) CD 1001 A

Additional ID No(s).: CPA001A

	Penalty Cal	culation Works	heet (PCW)	
Policy Revision 2 (Sep	ember 2002)			PCW Revision June 26, 2007
TCEQ	4-Sep-2007			
DATES Assigned PCW	18-Sep-2007 Screening 5-	Sep-2007 EPA Due	26-May-2008	
RESPONDENT/FACILITY				
Respondent Reg. Ent. Ref. No.	Builders Marble Company RN104491055			La Transporting Control of Contro
Facility/Site Region		Major/N	Ninor Source Major	
OAGE INFORMATION	za i na new cinara i nama na			
CASE INFORMATION Enf./Case ID No.	34560	l No.	of Violations 5	
	2007-1433-AIR-E		Order Type 1660	
Media Program(s)	Air	Enf.	Coordinator Jorge Ibarra, EC's Team Enforcement	
Multi-Media Admin. Penalty \$ I	_imit Minimum \$0 Ma	kimum \$10,000	ECS Team Emorcement	ream o
		***************************************		
	Penalty	Calculation Sect	tion	
TOTAL BASE PENAL	TY (Sum of violation base	e penalties)	Subtotal 1	\$12,700
AD ILICTMENTS (4/ )	TO SUDTOTAL 4			
ADJUSTMENTS (+/-) Subtotals 2-7 are obtain	ned by multiplying the Total Base Penalty	(Subtotal 1) by the indicated per	centage.	The state of the s
Compliance Hist	pry	20% Enhancement	Subtotals 2, 3, & 7	\$2,540
Notes	The Respondent was is	ssued one 1660 Agreed O	rder.	-
Culpability	No No	0% Enhancement	Subtotal 4	\$0
•	The Decreadent door	not most the aulpability ari	toria	
Notes	The Respondent does	not meet the culpability cri	teria.	
Good Faith Effor	t to Comply	25% Reduction	Subtotal 5	\$3,175
	Before NOV NOV to EDPRP/Se	ttlement Offer		
Extraordinary Ordinary				
N/A	X (mark with x)			
Notes	The Respondent achieved	full compliance on August	15, 2007	
Notes	The respondent demoved	an compliance on ragaci	10, 200.1	
		0% Enhancement*	Subtotal (	\$0
Annrox	Total EB Amounts \$105 Cost of Compliance \$1,600	*Capped at the Total EB \$	Amount	
лфрюх.	φ1,000			
SUM OF SUBTOTAL	S 1-7		Final Subtota	\$12,065
OTHER EACTORS A	S JUSTICE MAY REQUIRE		Adjustmen	t \$0
	Subtotal by the indicated percentage. (En			**
Notes				
			Final Penalty Amoun	f \$12,065
				¢40.00E
STATUTORY LIMIT	ADJUSTMENT		Final Assessed Penalty	\$12,065
DEFERRAL		20%	Reduction Adjustmen	-\$2,413
	nalty by the indicted percentage. (Enter n			
Nictor	Deformal afformat	for expedited settlement.		
Notes	Deletral offered	ioi expedited settlement.		
PAYABLE PENALTY	,			\$9,652

Screening Date 5-Sep-2007

#### Docket No. 2007-1433-AIR-E

PCW

Respondent Builders Marble Company

Case ID No. 34560

Policy Revision 2 (September 2002) PCW Revision June 26, 2007

Adjust.

Enter Number Here

Reg. Ent. Reference No. RN104491055

>> Compliance History Site Enhancement (Subtotal 2)
Component Number of...

Media [Statute] Air

Enf. Coordinator Jorge Ibarra, P.E.

**Compliance History Worksheet** 

Written NOVs with same or similar violations as those in the current enforcement action

	NOVs	(number of NOVs meeting criteria)	0	0%
	1 - 10 - 10 - 10 - 10 - 10 - 10 - 10 -	Other written NOVs	0	0%
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	i de la Terra de la Companya de la C	20%
	Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%
	Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
	Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
	Emissions	Chronic excessive emissions events (number of events)	0	0%
	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0 - 1	0%
	et	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	O Magazia and and	0%
		Pleas	se Enter Yes or No	
		Environmental management systems in place for one year or more	No	0%
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Ourio.	Participation in a voluntary pollution reduction program	No	0%
		Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
Repe	eat Violator (Su	Adjustment P	ercentage (Su	btotal 2) 2
	No	Adjustment P	ercentage (Su	btotal 3)
Com	pliance History	Person Classification (Subtotal 7)		
	Average Pe	erformer Adjustment P	ercentage (Su	btotal 7)
Com	pliance History	Summary		
	Compliance History	The Respondent was issued one 1660 Agreed Order.	-	
	Notes		ger in de trous en la company	
		Total Adjustment Percentage		2. 3. & 7) 2

Screening Date	5-Sep-2007	Docket No.	2007-1433-AIR-E		PCW
· · · · · · · · · · · · · · · · · · ·	<b>Builders Marble Company</b>		I	Policy Rev	vision 2 (September 2002)
Case ID No.				PC	W Revision June 26, 2007
Reg. Ent. Reference No.					
Media [Statute]					
Enf. Coordinator Violation Number					. of Andrew Children
Rule Cite(s)			Tex. Health & Safety Code §	}	A CANADA A A A A A A A A A A A A A A A A A
	:	382.085(b)			gallet all reasons are
Violation Description		equired annual complia 10, 2006 through Marc	nce certification for the perion in 9, 2007.	od of	
			Base Pe	enalty	\$10,000
>> Environmental, Property	and Human Haalth Matrix				Teper-do-act collect
>> Environmental, Property	Harm	Aproximie santantini	HA E AS INCLUSION AND ASSOCIATE		AN ALLEGO A AN ALLEGO AND AN ALLEGO AND AN ALLEGO AND AN ALLEGO AND AND ALLEGO AND ALLEG
Release		Minor			Blockerine
OR Actua	<u> </u>		Percent 0%		Automobile
Potentia	LL		reicent 076		00.0 (00.000)
>>Programmatic Matrix	STATEMENT OF THE PROPERTY OF THE	A CONTRACTOR			Otherwise and the
Falsification	Major Moderate	Minor	<u>,                                    </u>		- Committee
	X		Percent 25%	*	woo antonied-00
Matrix Notes	100% of the ru	le requirement was not	met.		
	Respondent to the state of the		Adjustment	7,500	
中性學是企業的自然的自然的 10.25克克斯克利斯特 自然的 NUMB 特別 的复数超越的被重要的特殊 不完成的 机固	A STATE OF THE STA	XXII XXII XXII XXII XXII XXII XXII XXI	- THE PERSONNEL STREET	······································	00.500
			*	L	\$2,500
Violation Events	TO STATE OF THE PERSONS	MET STATE	DEFE	1350	
	Indige (SARTES)	ACTION SERVICES		\$1,000 E	
Number of Vi	olation Events 1	65	Number of violation days		
	daily monthly				
mark only one	quarterly		Violation Base P	enalty	\$2,500
with an x	semiannual			-	
	annual				•
	single event x				
	One single	event is recommended	d.		
Economic Benefit (EB) for the	is violation	FARMAL SECTION	Statutory Limit Test	2959543	
Estimate	d EB Amount	\$2	Violation Final Penalty	/ Total	\$2,375
	**************************************	•	and Demalter /- disset-of forms	 ا دخلوسال	\$2,375
The same was the bard there in 17562. WAS BOOK WITH THE SAME	This	s violation Final Asses	ssed Penalty (adjusted for	ıımıts)[	\$∠,3/5

	E	conomic E	3enefit W	orks	sheet	pair Colonia - Arch	2)
Respondent	Builders Marble	Company					
Case ID No.	34560				•		
Reg. Ent. Reference No.	RN104491055					and the second second	
Media						Facilities	Years of
Violation No.						Percent Interest	Depreciation
violation mo.	i. assi			11.1	St. William Great.	5.0	1:
	distribution and the second				าได้เดิดสาราชานิกให้เล้า - ระบานก	Empreson and a contract of the	****
a de National de la company	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$		SAMO STATE			fried) ohi2	
The fig. 6 and				•			
Delayed Costs							
Equipment		Sandali - A. Lewis Lander		0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	t. a re, e latino e se	temandas varatoridas est	والأعلى والمنابية أحمامها	0.0	\$0	\$0	\$0
Land	11. 4.5.1.2	Callery & S. Strategicker	and the same of th	0,0	\$0	n/a	\$0
Record Keeping System	<u> </u>			0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	· · · · · · · · · · · · · · · · · · ·			0.0	. \$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$200	9-Apr-2007	13-Jun-2007	0.2	\$2	n/a	\$2
Notes for DELAYED costs  Avoided Costs		compliance	certification was	due, Fin	al Date is the com	e Required is the dat pliance date.	ត្រូវសម្រើស្រីស្រីស្រីស្រីស្រីស្រីស្រីស្រីស្រីស្រី
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	1	\$0
Inspection/Reporting/Sampling				0,0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	14.52.50		i i i i i i i i i i i i i i i i i i i	0.0	\$0 .	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$200			TOTAL		\$

Screening Date	5-Sep-2007	Docket No. 2007-1433-AIR-E	PCW
Respondent	Builders Marble Company		Policy Revision 2 (September 2002)
Case ID No.		•	PCW Revision June 26, 2007
Reg. Ent. Reference No.			
Media [Statute]			
Enf. Coordinator	post-manufacture and the second secon		
Violation Number Rule Cite(s			
Kule Cite(S	30 Tex. Admin. Code §§ 101.20(2),	116.115(c), and 122.143(4), Permit No. 743 Tex. Health & Safety Code § 382.085(b)	386,
Violation Description	December 31, 2004, January 1, 2005	for the periods of December 20, 2004 through June 30, 2005, and July 1, 2005 thember 31, 2005.	
		Base P	enalty \$10,000
>> Environmental, Property	and Human Health Matrix		
	Harm Major Madasata Minor		
OR Release			
Potentia		Percent 0%	
>>Programmatic Matrix	Major Moderate Minor		
Falsification	Major Moderate Minor	Percent 25%	
and Stair			
Matrix Notes	100% of the rule requir	ement was not met.	
		Adjustment	\$7,500
<b>建大路多数产品收收 的复数医克斯克斯斯斯斯克克斯斯</b> 斯克克斯斯克克斯斯克克斯克斯克斯克斯克斯克斯克斯克斯克		Aujustinent	φ1,300
			\$2,500
Violation Events			
Number of V	iolation Events 3	904 Number of violation days	
mark only one with an x	daily monthfy quarterly semiannual	Violation Base F	enalty \$7,500
	annual x		
Т	hree single events are recommended, or	ne for each report and initial notification.	
Economic Benefit (EB) for the		Statutory Limit Test	
Estimate	ed EB Amount \$	74 Violation Final Penalt	y Total \$7,125
	This violati	ion Final Assessed Penalty (adjusted for	limits) \$7,125

عبد المساحدة فالعالم	- HOLA-MAR	conomic	3enefit W	orksh	neet	skom I sam al	- 48
Respondent	Builders Marble	e Company			2, 7, 74, 10		
Case ID No.	34560					and the second	
Reg. Ent. Reference No.	RN104491055						
Media	Air				•	Percent Interest	Years of
Violation No.	, 2					granden in der eine	Depreciation
						5.0	
ស្រី ការ ខ្លែងពេលមហ្គាម៉ូឡូន ដូច	Item Cost	Date Required	Final Date	Yrs I	nterest Saved	Onetime Costs	EB Amoun
Item Description		. 1 . 1 . 1 . 1				(4) 41 (7) 18 17)	•
a con road	All Control of the	Anne military in the state of		· Jan and Joseph	range or in the		
Delayed Costs		والقشور ويرسين والمساورة		4	<u></u>	<del>, , , , , , , , , , , , , , , , , , , </del>	
Equipment	The second section of the second		The second second second second	0.0	\$0	\$0	\$0
Buildings	L.		: <del>Li, rive in dipudini a parazione</del>	0.0	\$0 '	\$0	\$0
Other (as needed)	C. A. A. Stadistance	Stranger and St. R.	Marian Marian Arteria	0.0	\$0	\$0	\$0 00
Engineering/construction	<u> منابعا بالمنابعة المنابعة ا</u>	<u> Lating and the second second</u>		0.0	\$0 \$0	\$0 n/a	\$0 \$0
Land		1,1,2,4,1,1,1,1,1,1,1,1,1,1,1,1,1,1,1,1,		0.0	\$0 \$0	n/a	\$0 \$0
Record Keeping System Training/Sampling		<del> </del>		0.0	\$0	n/a	\$0 \$0
Remediation/Disposal		1	***************************************	0.0	\$0	n/a	\$0 \$0
Permit Costs	D. 47 F. 1. S. A. & 3. S.	A STATE OF THE STA	\$	0.0	\$0	n/a	\$0
Other (as needed)	\$600	31-Jan-2005	24-Jul-2007	2.5	\$74	n/a	\$74
Notes for DELAYED costs	Estimated cost	to submit the requi	was due, Final D			he date the first certi	ncauons/repo
Avoided Costs	ANI	NUALIZE [1] avoide	wwild	ntering ite	em (except for	one-time avoided c	osts)
Avoided Costs		NUALIZE [1] avoide	washid ed costs before e	ntering ite	em (except for	one-time avoided c	osts) \$0
Avoided Costs Disposal Personnel	ANN	NUALIZE [1] avoide	wwild	entering its 0.0	em (except for \$0 \$0	one-time avoided c	osts) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling		NUALIZE [1] avoide	washid ed costs before e	ontering its 0.0 0,0	em (except for \$0 \$0 \$0	one-time avoided c	osts) \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment		NUALIZE [1] avoide	washid ed costs before e	0.0 0,0 0,0 0,0	em (except for \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2]		NUALIZE [1] avoide	washid ed costs before e	0.0 0.0 0.0 0.0 0.0	em (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		NUALIZE [1] avoid	washid ed costs before e	0.0 0,0 0,0 0,0	em (except for \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		NUALIZE [1] avoide	washid ed costs before e	0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0	em (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		NUALIZE [1] avoide	washid ed costs before e	0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0	em (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs  Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		NUALIZE [1] avoide	washid ed costs before e	0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0	em (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date	5-Sep-2007	Docket No. 2007-1433-AIR-E	PCW
Respondent	Builders Marble Company	Policy I	Revision 2 (September 2002)
Case ID No.	34560	F	PCW Revision June 26, 2007
Reg. Ent. Reference No.	RN104491055		
Media [Statute]	Air		
Enf. Coordinator	Jorge Ibarra, P.E.		
Violation Number	3		=
Rule Cite(s) Violation Description	Tex. Health & Failed to properly maintain a recordke not maintaining a monthly report that	ermit No. 74386, Special Condition No. 10(c), and Safety Code § 382.085(b)  eeping system. Specifically, the Respondant was reflects emissions in pounds per hour on a daily d for the previous 12 consecutive months.	
>> Environmental, Property a		Base Penalty	\$10,000
OR · Release OR · Actual Potential	Harm Major Moderate Minor	Percent 0%	
>>Programmatic Matrix	. Salember of the same delination of		
Falsification	Major Moderate Minor	,	
[add] [4] [4] [4] [4] [4] [4] [4] [4] [4] [4	X	Percent 1%	
Matrix Notes	Less than 30% of the rule r	. :	
		Adjustment \$9,900	2
Violation Events			\$100
Number of Vi	vation Events 1	1 Number of violation days	
mark only one with an x	daily	Violation Base Penalt	y \$100
	One single event is		
Economic Benefit (EB) for th	is violation	Statutory Limit Test	
F-11	JED Amount	\$1 Violation Final Penalty Tota	\$95
Estimate	d EB Amount	Ψή Violation Final Fenalty Tota	Ψ95]
	This violati	ion Final Assessed Penalty (adjusted for limits	\$95

Respondent B Case ID No. 3 Reg. Ent. Reference No. R Media A Violation No. 3  Item Description  Delayed Costs Equipment Bulldings Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling Remediation/Disposal	4560 IN104491055 ir Item Cost	Date Required	Final Date	Yrs	Interest Saved	Percent Interest 5.0 Onetime Costs \$0 \$0 \$0	Vaare of
Reg. Ent. Reference No. R  Media A  Violation No. 3  Item Description  Delayed Costs  Equipment Buildings Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling	Item Cost No commes or \$			0.0	\$0 \$0 \$0	5.0 Onetime Costs  \$0 \$0 \$0 \$0	Years of Depreciation EB Amount
Media A Violation No. 3  Item Description  Delayed Costs Equipment Buildings Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling	ir Item Cost No commas or \$			0.0	\$0 \$0 \$0	5.0 Onetime Costs \$0 \$0 \$0	EB Amount \$0 \$0
Media A Violation No. 3  Item Description  Delayed Costs Equipment Buildings Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling	ir Item Cost No commas or \$			0.0	\$0 \$0 \$0	5.0 Onetime Costs \$0 \$0 \$0	EB Amount
Item Description  Delayed Costs Equipment Buildings Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling	Item Cost No commas or \$			0.0	\$0 \$0 \$0	5.0 Onetime Costs \$0 \$0 \$0	EB Amount
Item Description  Delayed Costs Equipment Buildings Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling	Item Cost No commas or \$			0.0	\$0 \$0 \$0	\$0 \$0 \$0 \$0	EB Amount
Delayed Costs  Equipment Buildings Other (as needed)  Engineering/construction Land Record Keeping System Training/Sampling	No commas or \$			0.0	\$0 \$0 \$0	\$0 \$0 \$0 \$0	EB Amount
Delayed Costs  Equipment Buildings Other (as needed)  Engineering/construction Land Record Keeping System Training/Sampling	No commas or \$			0.0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0
Delayed Costs  Equipment Buildings Other (as needed)  Engineering/construction Land Record Keeping System Training/Sampling	and the state of t			0.0	\$0 \$0	\$0 \$0	\$0
Equipment Buildings Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling			The Man wings	0.0	\$0 \$0	\$0 \$0	\$0
Equipment Buildings Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling				0.0	\$0 \$0	\$0 \$0	\$0
Bulldings Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling				0.0	\$0 \$0	\$0 \$0	\$0
Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling	\$400	The second secon	THE RESERVE OF THE PARTY OF THE	0.0	\$0	\$0	
Engineering/construction Land Record Keeping System Training/Sampling	\$400		To Dec House value				\$0
Land Record Keeping System Training/Sampling	\$400		TO BACK THOSE PARTY.	71			
Record Keeping System Training/Sampling	\$400	1		0.0	\$0	\$0	\$0
Training/Sampling	\$400	<u> </u>		0.0	\$0	n/a	\$0
		10-May-2007	1-Jun-2007	0.1	\$1	n/a	\$1
Pamadiation/Dienocal				0.0	\$0	n/a	\$0
Vemediation pishosai.				0.0	\$0	n/a	\$0
Permit Costs		a Kradenkiye Lah		0,0	\$0	n/a	\$0
Other (as needed)	AND THE SECTION		and the state of t	0.0	\$0 ,	n/a	\$0
Notes for DELAYED COSTS			the c	ompliand	se date.	the investigation da	
Avoided Costs	AININ	IUALIZE [1] avoide	a costs before t			Continued making below a conduction for his bound in the land of	the state of the second of the state of the
Disposal				0.0	\$0 \$0	\$0 \$0	\$0 \$0
Personnel Inspection/Reporting/Sampling	<del></del>			0.0	\$0 \$0	\$0 \$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]	110000	The Control of the Co		0,0	\$0	\$0	\$0
ONE-TIME avoided costs [3]			in a market but the second of	0,0	\$0 \$0	\$0	\$0
Other (as needed)				1 0.0	\$0	\$0	\$0
Citici (as necuca)		Harris de la companya della companya della companya de la companya de la companya della companya		<u> </u>		<u> </u>	, A. j
*	- 111	性化 网络维尔克特	<b>可能的人的现在分</b>	William Co.	diam'r j		
Notes for AVOIDED costs							r
, .				·	and the state of t		<del></del>
Approx. Cost of Compliance		\$400			TOTAL		

Screening Date	5-Sep-2007	<b>Docket No.</b> 2007-1433-AIR-E	PCW
Respondent	Builders Marble Company	Policy R	tevision 2 (September 2002)
Case ID No.	34560	P	CW Revision June 26, 2007
Reg. Ent. Reference No.	RN104491055		
Media [Statute]	Air		
Enf. Coordinator	Jorge Ibarra, P.E.		
Violation Number	<u> </u>		
Rule Cite(s)		i.115(c), Permit No. 74386, Special Condition No. 4, and Tex. Health & Safety Code § 382.085(b)	-
Violation Description	contaminants on a cons submitted to the Indust	ify and mark all equipment that has the potential to emit air spicuous location with the facility identification numbers as trial Emissions Assessment Section of the TCEQ and the s as listed in the maximum allowable emission rates table.	
		Base Penalty	\$10,000
>> Environmental, Property a	and Human Health Mati	rix <sup>(E)</sup>	100 pp
	Harm		
Release OR Actual	r	Minor	
Potential		Percent 0%	
	<u>L</u>		
>>Programmatic Matrix	ALL DESCRIPTION OF THE PARTY OF		
Falsification	Major Moderate	Minor	
	X	Percent 25%	
			il
Matrix Notes	100% of the	e rule requirement was not met.	
	Monoral F	Adjustment \$7,500	1
[2] 24 [2] [2] [2] [2] [2] [3] [4] [4] [4] [4] [4] [4] [4] [4] [4] [4	ELLE PLESSON	在产品的技术的企业中的经验中的技术的企业的企业的企业的企业的企业的企业的企业的企业的企业的企业的企业的企业的企业企业企业的企业企业企业企业企业企业企业企业企业企业企业企业企业企业企业企业企业企业企业企业	
			\$2,500
Violation Events	The state of the s		
[2] 如何可以成立是,如此是否定定了。2.5.5.5.5.5.5.5.5.5.5.5.5.5.5.5.5.5.5.5	THE POST OF THE PO	图 18 年 英巴巴巴拉拉克克克克克克克克克克克克克克克克克克克克克克克克克克克克克克克克克	*
Number of Vi	olation Events 1	1 Number of violation days	
		1	
	daily		
mark only one	monthly quarterly	Violation Base Penalty	\$2,500
mark only one with an x	semiannual	Violation Bass I charty	
	annual		
	single event x		
			<del>-</del> 1
	~ .	and a second la sea a second and	**************************************
	One sin	ngle event is recommended.	
L			1
Economic Benefit (EB) for th	is violation	Statutory Limit Test	THE RESERVED OF THE SECOND
0.00 × 0/0 2000 x 0.00		STATE OF THE PROPERTY AND AND AND THE STATE THE STATE OF THE THE THE STATE OF THE S	
Estimate	d EB Amount	\$3 Violation Final Penalty Total	\$2,375
		This violation Final Assessed Penalty (adjusted for limits)	\$2,375
	THE REPORT OF THE PROPERTY OF	RECEIVED TO THE RESERVE OF THE PROPERTY OF THE	PRODUCED AND THE

	B-917-11-11	Economic I	3enefit W	orks	heet	e obstantao	105
Respondent B	Builders Marb	le Company				ennous et antico de Stock Districtor	
Case ID No. 3							
Reg. Ent. Reference No. F		;					
Media A		,				<u></u>	Years of
Violation No. 4						Percent Interest	Depreciatio
violation no. 4	• 				Collegia (Collegia)		
						5.0	A to the second of the second
a Louis Mingridianica	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amoun
Item Description	No commas or S	มากระบบ (การการการการการการการการการการการการการก	ing stronger (			Year and a surface	
	A 1 1000 1100 1100	parameter and the second second					
Delayed Costs_	al Al Salaman (Sec.)						
Equipment	v elaenitt		State of the Commercial	0.0	\$0	\$0	\$0
Buildings	يوارين المدعا بالدار	d off ar an area		0,0	\$0	\$0	\$0
Other (as needed)	الدوالة والأستوال والأرض و الدوالة والأستوال والأرض و	a comparation and a comparation of	and the explicit of the sky	0.0	\$0,,,,	\$0	\$0
Engineering/construction	ritis de la compani	d and a constant	en mini i kražena nastija	0.0	\$0	\$0	\$0
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Screening Date	• 5-Sep-2007	Docket No	. 2007-1433-AIR-E	PCW
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**Compliance History** CN600452817 **Builders Marble Company** Classification: AVERAGE Rating: 40.00 Customer/Respondent/Owner-Operator: RN104491055 **BUILDERS MARBLE COMPANY** Classification: AVERAGE Site Rating: 40.00 Regulated Entity: AIR NEW SOURCE PERMITS 74386 ID Number(s): PERMIT ACCOUNT NUMBER AIR NEW SOURCE PERMITS CPA001A AFS NUM 4808500201 AIR NEW SOURCE PERMITS PERMIT 2839 AIR OPERATING PERMITS Rating Date: 9/1/2007 Repeat Violator: NO 1995 US HIGHWAY 380 E, FARMERSVILLE, TX, 75442 Location: **REGION 04 - DFW METROPLEX** TCEQ Region: September 05, 2007 Date Compliance History Prepared: Agency Decision Requiring Compliance History: Enforcement September 05, 2002 to September 05, 2007 Compliance Period: TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History (817) 588-5890 Name: Jorge Ibarra, P.E. **Site Compliance History Components** 1. Has the site been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownership of the site during the compliance period? No N/A 3. If Yes, who is the current owner? 4. if Yes, who was/were the prior owner(s)? N/A N/A 5. When did the change(s) in ownership occur? Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. Α ADMINORDER 2005-0520-AIR-E Effective Date: 12/15/2005 Classification: Major 30 TAC Chapter 116, SubChapter B 116.110(a)(1) Citation: 5C THC Chapter 382, SubChapter A 382.0518(a) 5C THC Chapter 382, SubChapter A 382.085(b) Description: Failed to obtain authorization prior to beginning operations. Any criminal convictions of the state of Texas and the federal government. В. C. Chronic excessive emissions events. N/A The approval dates of investigations. (CCEDS Inv. Track. No.) D. 1 08/29/2007 (565564)Written notices of violations (NOV). (CCEDS Inv. Track. No.) E. Environmental audits. F. N/A G. Type of environmental management systems (EMSs). Voluntary on-site compliance assessment dates. Η. N/A Participation in a voluntary pollution reduction program.

Sites Outside of Texas
N/A

N/A

J.

Early compliance.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	8	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
BUILDERS MARBLE COMPANY	§	
RN104491055	§	ENVIRONMENTAL QUALITY

#### AGREED ORDER DOCKET NO. 2007-1433-AIR-E

#### I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Builders Marble Company ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates a synthetic marble products manufacturing plant at 1995 US Highway 380 East in Farmersville, Collin County, Texas (the "Plant").
- 2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
- 3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about September 4, 2007.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Twelve Thousand Sixty-Five Dollars (\$12,065) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Hundred Sixty-Two Dollars (\$462) of the administrative penalty and Two Thousand Four Hundred Thirteen Dollars (\$2,413) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the

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Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Nine Thousand One Hundred Ninety Dollars (\$9,190) of the administrative penalty shall be payable in nineteen (19) monthly payments of Four Hundred Sixty-Five Dollars (\$465) each and one final payment of Three Hundred Fifty-Five Dollars (\$355). The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
  - a. Began maintaining a record of monthly emissions in pounds per hour on a daily average basis and tons emitted for the previous 12 consecutive months on June 1, 2007;
  - b. Submitted the required annual compliance certification for the period of March 10, 2006 through March 9, 2007 on June 13, 2007;
  - c. Submitted an initial notification of applicability to 40 CODE OF FEDERAL REGULATIONS ("CFR") 63, Subpart WWWW on June 21, 2007;
  - d. Submitted semiannual reports for the periods of December 20, 2004 through December 31, 2004, January 1, 2005 through June 30, 2005, and July 1, 2005 through December 31, 2005 on July 24, 2007; and
  - e. Physically identified and marked on a conspicuous location with the facility identification numbers as submitted to the Industrial Emissions Assessment Section of the TCEQ and the emission point numbers as listed in the maximum allowable emission rates table ("MAERT") on August 15, 2007.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

#### II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

- 1. Failed to timely submit the required annual compliance certification for the period of March 10, 2006 through March 9, 2007, in violation of 30 TEX. ADMIN. CODE § 122.146(1) and (2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 10, 2007.
- 2. Failed to submit an initial notification of applicability to 40 CFR 63, Subpart WWWW by January 4, 2005, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 116.115(c), and 122.143(4), Permit No. 74386, Special Condition No. 5, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 10, 2007.
- 3. Failed to submit semiannual reports for the periods of December 20, 2004 through December 31, 2004, January 1, 2005 through June 30, 2005, and July 1, 2005 through December 31, 2005, in violation of 30 Tex. ADMIN. CODE §§ 101.20(2), 116.115(c), and 122.143(4), Permit No. 74386, Special Condition No. 5, and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on May 10, 2007.
- 4. Failed to properly maintain a recordkeeping system, in violation of 30 Tex. ADMIN. CODE § 116.115(c), Permit No. 74386, Special Condition No. 10(c), and Tex. Health & Safety Code § 382.085(b) as documented during an investigation conducted on May 10, 2007. Specifically, the Respondent was not maintaining a monthly report that reflects emissions in pounds per hour on a daily average basis and tons emitted for the previous 12 consecutive months.
- 5. Failed to physically identify and mark all equipment that has the potential to emit air contaminants on a conspicuous location with the facility identification numbers as submitted to the Industrial Emissions Assessment Section of the TCEQ and the emission point numbers as listed in the MAERT, in violation of 30 Tex. ADMIN. CODE § 116.115(c), Permit No. 74386, Special Condition No. 4, and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on May 10, 2007.

#### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Builders Marble Company, Docket No. 2007-1433-AIR-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
- 3. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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### SIGNATURE PAGE

#### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
John Grolier	3/10/2008
Hor the Executive Director	Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEO seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

Name (Printed or typed)

Authorized Representative of

Builders Marble Company

 $\frac{12/20/07}{\text{Date}}$ 

Title

**Instructions**: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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